

Application No. 10/544,573
Art Unit: 3732

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 052875

AMENDMENTS TO THE DRAWINGS

The attached replacement sheets of drawings include changes to Figs. 9-13.

REMARKS

Upon entry of the amendments in this paper, claims 1, 3 and 5-8 will be pending in the above-identified application, with claims 14-27 being withdrawn. Claims 1, 3, and 5-8 are herein amended. Claims 2, 4, and 9-13 are herein canceled. No new matter is entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on June 9, 2009.

In light of the aforementioned amendments and accompanying remarks, favorable consideration is earnestly solicited.

Drawings

The drawings were objected to because Figures 9-13 are not of sufficient quality after scanning so that all details in the photographs are reproducible in the printed patent. In order to address this objection, applicants submitted a copy of the original drawings to the USPTO. However, upon scanning the drawings at the USPTO, the drawings were still not of sufficient quality.

As such, applicants have electronically filed replacement drawings in order to address the objection.

Claim Rejections – 35 U.S.C. §112

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claim 1 and respectfully submit that it fully complies with 35 U.S.C. § 112 second paragraph. Further, applicants have canceled claim 9, 10 and 12, rendering the rejection of these claims moot.

As such, applicants respectfully submit that the claims are in proper form and ask that the rejection be withdrawn.

On the Merits

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-11, 12/1, 12/2, 12/8, 12/9, 13/12/1, 13/12/2, 13/12/, and 13/12/9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,170,491 to *Maekawa*, in view of U.S. Publication No. 2004/0237987 to *Gold*.

Independent Claim 1:

Independent claim 1 recites:

A double-stick adhesive tape for a wig, which has a net member as a portion of a wig base, comprising:

two adhesive surface layers, wherein at least a side of the adhesive layer to the net member has a thickness more than half of a diameter of the net member and at least one side of the adhesive layer is deglossed.

To begin, applicants note that the net member 3 of *Maekawa* is a part of a double stick adhesive tape and contacts the user's head. On the other hand, a net member of the claimed invention is a part of wig base, and not a part of a double stick adhesive tape. Applicants have amended independent claim 1 in order to further clarify this feature.

In the final office action dated June 9, 2009, the Examiner stated that the reason for the rejection under 35 U.S.C. § 103, is that one having ordinary skill in the art at the time the invention was made would have been able to modify *Maekawa* so that the adhesive has a thickness more than half of a diameter of the net member.

However, the net member 3 is a part of a double stick adhesive tape as mentioned above. In other words, *Maekawa* does not disclose the feature of an adhesive surface to the net member of the wig base. Instead, *Maekawa* only discloses the adhesive surface layer to the net member of a double stick adhesive tape.

Further, applicants respectfully submit that *Maekawa* does not teach and suggest the relation of thicknesses between the adhesive surface layer to the net member 3 the adhesive surface layer to attach the wig.

Maekawa does not teach and suggest that a discontinuous surface is necessary on a side of the adhesive surface layer to the net member of wig base. If one having ordinary skill in the art combined *Maekawa* and *Gold*, there is no motivation for creating craters on the side of the adhesive surface layer. Further, the examiner has not shown any evidence to support the position regarding combination of the references.

Gold states that this arrangement increases its capacity of growth of hair through its thickness (see [0053]). It is reasonable to think when the single layer of *Gold* is to be doubled, the thickness of a double stick adhesive tape is twice of single layer. The double stick adhesive tape having many craters is not disclosed by *Gold* because of a 2-times thickness.

Without considering the thickness relationship between the adhesive surface layers, and if *Maekawa* and *Gold* were combined, it would appear to teach, a double stick adhesive tape, and two adhesive surface layers having many craters on both sides. On the other hand, the claimed invention of double-stick adhesive tape comprises: two adhesive surface layers, and a deglossed surface only on a side of the first adhesive to the net member. Consequently, *Maekawa* combine

with *Gold* lack a net member and a deglossed surface on a side of the second adhesive surface layer.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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